

REMARKS/ARGUMENTS

Claims 1-7 are present in this application. By this Amendment, the Abstract of the Disclosure, the specification and claims 1, 4, 6 and 7 have been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-7 were rejected under 35 U.S.C. §112, second paragraph. The Office Action contends that the phrase “first frame and second frame” is without antecedent basis in claims 1, 6 and 7. To the contrary, however, each of claims 1, 6 and 7 defines “a first frame” in line 4 and “a second frame” in line 5. As such, there is clear antecedent basis for the “first frame and second frame.” Withdrawal of the rejection is requested.

Claims 1 and 3-7 were rejected under 35 U.S.C. §102(b) over European Patent Publication 0 853 003 to Asai et al. This rejection is respectfully traversed.

Claim 1 recites, *inter alia*, that the second path branches at a downstream portion of the printing position in the first path. The Office Action contends that Asai discloses such a branching second path with reference to FIGS. 4-7, presumably referencing a transporting path of the ink ribbon. Applicants respectfully submit, however, that this contention is misplaced. The ink ribbon path in Asai extends horizontally across the print head 6 (see, e.g., FIG. 2) and thus does not branch off a first path downstream of the printing position.

In an effort to further distinguish this feature of the invention, claim 1 has been amended to recite that the printer additionally includes a holder that holds a rolled printing medium and that the first path extends “from the holder to the discharge port via the printing position . . .” As noted, Asai lacks a second path for the ink ribbon that branches from a downstream portion of the printing position in such a first path. Applicants thus respectfully submit that the rejection is misplaced.

Claim 6 defines a print head having a head face directed obliquely upward. In this context, the Office Action vaguely references a dot-impact type print head “facing upward,” referring to element 6 in Fig. 1. Although element 6 is not found in Fig. 1, it is clear from Fig. 2 that the print head 6 in Asai does not in any manner face upward or “obliquely upward” as claimed. Since a rejection under §102(b) requires a teaching of each and every element of the rejected claim, and since at least this subject matter is lacking in the Asai publication, Applicants respectfully submit that the rejection of claim 6 is also misplaced.

Claim 7 defines third and fourth members provided on the first frame, where the second frame is supported to be pivotable between the first and second positions, the third and fourth members defining a second path for guiding the printing medium therethrough. Claim 7 has been amended to recite that the fourth member is opposed to the third member and that the second path is defined between the third and fourth members. No corresponding structure exists in the Asai printer. Rather, roll paper S is transported along the guide support member 34 up to and past the platen 33 and then on guide surface 29a; the cut-sheet form V is processed through a transportation path in a gap between the platen 33 and the print head 6 and between the cut-sheet form transportation rollers 13, 14 and the pressure parts 28a, 28b of the cut-sheet form pinch roller 28. As such, nowhere does Asai define a second path for guiding a printing medium therethrough between opposed members provided on the first frame as claimed. At best, Asai defines a transporting path between opposed members that are respectively provided in different frame members. For at least this reason, Applicants respectfully submit that the rejection of claim 7 is also misplaced.

With respect to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim. In addition, claim 4

defines a holder provided in the first frame to hold a rolled printing medium therein, and a cover provided on the second frame to open or close the holder. Although the Asai publication references a holder 23, this holder is not provided in the first frame, nor does the printer include a cover provided on the second frame.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 2 was rejected under 35 U.S.C. §103(a) over Asai in view of U.S. Patent No. 6,014,921 to Angel et al. Applicants respectfully submit, however, that the Angel patent does not correct the deficiencies noted above with regard to the Asai publication. That is, neither Asai nor Angel provides any suggestion to modify the Asai structure to incorporate the missing features noted above in the Asai printer. Applicants thus respectfully submit that claim 2 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

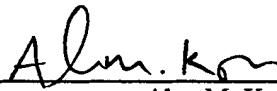
In view of the foregoing amendments and remarks, Applicants respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

NEBASHI et al.
Appl. No. 10/612,286
April 14, 2005

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Alan M. Kagen
Reg. No. 36,178

AMK:cls
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100